

CONDENSED TRANSCRIPT

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

AGERE SYSTEMS, INC., CYTEC
INDUSTRIES, INC., FORD MOTOR
COMPANY, SPS TECHNOLOGIES, LLC,
and TI GROUP AUTOMOTIVE
SYSTEMS, LLC
Plaintiffs

V

CIVIL ACTION NO.
02-CV-3830 (LDD)

ADVANCED ENVIRONMENTAL
TECHNOLOGY CORPORATION, ET AL.
Defendants

Oral deposition of JURGEN
H. EXNER, Ph.D., taken at the law
offices of Ballard Spahr Andrews &
Ingersoll, LLP, 1735 Market Street,
42nd Floor, Philadelphia,
Pennsylvania, on Tuesday, January 9,
2007, at 10:07 a.m., before Jennifer
Bermudez, a Registered Professional
Reporter, and Notary Public, pursuant
to notice.



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<p>78</p> <p>1 compounds used in steelmaking, as 2 well as steelmaking process 3 chemicals, are often found in steel 4 mills' air emissions, water 5 discharges, or waste shipments for 6 off-site disposal include chromium, 7 manganese, nickel, copper, zinc, 8 lead, sulfuric acid and hydrochloric 9 acid." 10 MS. FLAX: Thank you very 11 much, Dr. Exner. 12 I don't have any further 13 questions. 14 (Discussion off the 15 record.) 16 (Thereupon, at 12:24 p.m. a 17 luncheon recess was taken until 18 1:18 p.m., at which time the 19 following proceedings were had:) 20 EXAMINATION 21 BY MR. PETTIT: 22 Q. Good afternoon, Dr. Exner. 23 My name is Jeffrey Pettit. 24 I represent Ashland in this case, and</p>	<p>80</p> <p>1 very little information available in 2 the record on them. 3 And Mr. Harris indicated 4 that he would prefer to see some more 5 information on these, if they could 6 be found, so we did some more 7 literature work and expanded on that 8 section. 9 Q. You say "available in the 10 record," what do you mean by "the 11 record"? 12 A. Well, the information that 13 had been sent to me. 14 Q. And that would be the 15 information related to Ashland as 16 listed in your report? 17 If you want to take a look 18 at that, I just want to make sure 19 that's what we are talking about. 20 And that appears on Page 20? 21 A. Yes. Yes. Yes. Yes. 22 MR. HARRIS: Well, 23 objection. The list of documents 24 reviewed includes the sentence at the</p>
<p>79</p> <p>1 I'm going to be asking you some 2 questions, and my partner, Richard 3 Biedrzycki, may have some to follow 4 up. 5 The first question that I 6 have for you is, are all the opinions 7 that you expect to give in this case 8 expressed in the report that's been 9 identified today? 10 A. Yes. 11 Q. And I want to ask you a 12 question about one of the previous 13 exhibits, Exner 6, which was an 14 e-mail to Mr. Harris, if you have 15 that. 16 On the first page, 17 actually, the first sentence, it 18 says, "Need to revise Ashland." 19 Could you explain what you meant by 20 that? 21 A. Yes, I see that. In my 22 initial work on the Ashland waste I 23 had done very little on waste 24 resulting from dyes because there was</p>	<p>81</p> <p>1 beginning that says "References shown 2 in the opinion." 3 BY MR. PETTIT: 4 Q. So, when you say "the 5 record," you mean the references 6 attached at the end and any other 7 references that are set forth in your 8 report? 9 A. Yes. 10 Q. And if we were to compare 11 the drafts that have been provided 12 with the final report, and if there 13 are additional references, those 14 would be the ones that you found in 15 this period where Mr. Harris asked 16 you to find some more information on 17 the dyes? 18 A. I think so, yes. 19 Q. What was your understanding 20 as to the information that was needed 21 with respect to the Ashland dyes? 22 A. I have basically given a 23 very generic description of what 24 kinds of wastes might have been made</p>



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<p style="text-align: center;">86</p> <p>1 consulting business or your 2 employment? 3 A. That was part of my 4 experience at Dow Chemical. 5 Q. With respect to the dyes, 6 in addition to what you testified 7 about your involvement in that 8 litigation case, have you had any 9 personal involvement in processes 10 involving the manufacture of dyes for 11 hair products? 12 A. No. 13 Q. And the phthalide acid 14 process that you described, have you 15 had any experience in those 16 processes? 17 A. No. 18 Q. And you mentioned one other 19 one, the Dipan process that you 20 described. Have you had any 21 experience in that process? 22 A. No. 23 Q. You also mention and your 24 CV reflects experience in hazardous</p>	<p style="text-align: center;">88</p> <p>1 are similar to the waste streams that 2 you identified for the Ashland 3 processes in your report? 4 A. I have been -- yes, I have 5 been involved with acidic waste 6 streams, I have been involved with 7 waste streams containing aluminum 8 chloride, but not waste streams 9 specifically relating to the 10 compounds that we are talking about. 11 Q. The experience you have had 12 with acidic waste streams, what was 13 the nature of the manufacturing 14 process associated with that? 15 A. It was hydrolysis reaction 16 of catalysts leading to an acidic 17 waste stream. 18 Q. And what was the nature of 19 the acidic waste stream, by that I 20 mean the principal components? 21 A. Hydrochloric acid. 22 Q. Have you had any experience 23 with the kind of nitrating acid that 24 was a waste stream generated by</p>
<p style="text-align: center;">87</p> <p>1 waste site investigation and 2 remediation. Am I correct? 3 A. Yes. 4 Q. And were you asked to 5 review any information concerning the 6 remediation at the Boarhead site? 7 A. No. 8 Q. Okay. Just going back to 9 the processes, have you had any 10 experience -- I want to ask you 11 questions about your experience with 12 those Ashland processes, would your 13 answer be the same with respect to 14 waste streams on those processes? 15 MR. HARRIS: Objection to 16 the form. 17 BY MR. PETTIT: 18 Q. Do you understand my 19 question? 20 A. I never actually worked 21 with those kinds of chemicals. Does 22 that answer the question? 23 Q. Right. And have you been 24 involved with any waste streams that</p>	<p style="text-align: center;">89</p> <p>1 Ashland, according to your report? 2 A. No. 3 Q. And the aluminum chloride 4 waste stream, what was the nature of 5 the manufacturing process involved 6 with that? 7 A. Halogenation reaction of 8 aromatic compounds. 9 Q. Is it fair to say, based on 10 the experience that you have 11 represented in your CV, that in other 12 situations involving legal cases you 13 have been asked to express opinions 14 on the nature of remediation at 15 Superfund sites and hazardous waste 16 sites? 17 A. Yes. 18 Q. Have you given opinions on 19 the nature of the remedy and the 20 appropriateness of the remedy? 21 A. Yes. 22 Q. Now, moving down in your 23 report -- well, first of all, you say 24 that the documents referenced in</p>



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